



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Economic Services Administration

November 8, 2005

Dear Child Care Provider:

During the last legislative session, Engrossed Substitute Senate Bill 5806 (ESSB 5806) was passed by an overwhelming vote. As a result of this legislation, providers issued new or renewal licenses after August 1, 2005 are now required to obtain liability insurance before licensure. All providers (with a specific, limited exception for family home providers), are required to have liability insurance beginning January 1, 2006.

The Division of Child Care and Early Learning (DCCEL) will immediately start requiring new licensees and renewal licensees (whose licenses are renewed between July 24, 2005 and December 31, 2005) to get liability insurance. Licensors will write a Compliance Agreement with deadlines for coming into compliance. Only new and renewal licensees must comply with this regulation before January 1, 2006. However, after January 1, 2006, all providers (both center and family home) must be in compliance.

The regulations for this are in RCW 74.15.340 (enclosed). There are slightly different requirements for homes and centers, so please review the entire regulation carefully.

Vehicle liability insurance does not qualify. The law requires providers to have "day care insurance", which is defined by RCW 48.88.020:

"Day care insurance" means insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensee.

Family home providers have the option to opt out of this law and not obtain liability insurance. Child care centers do not have this option. However, if a Family home provider does opt out of this requirement, they must notify all parents with children enrolled of their insurance status.

If you have any questions regarding this new requirement, please contact your licensor.

Sincerely,

Joel Roalkvam, Licensing Policy Administrator
Division of Child Care & Early Learning

Enclosure

cc: DCCEL Staff

